

U.S. DISTRICT COURT  
DISTRICT OF MARYLAND  
FILED  
2019 MAR -5 PM 4:10  
BY DEPUTY

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

KENNETH BLACK and  
DARIUS FOSTER,

Defendants.

CRIMINAL NO. GLR-18-0466

\* (Possession with the Intent to  
\* Distribute Controlled Substances, 21  
\* U.S.C. § 841(a); Discharging of a  
\* Firearm by in Furtherance of a Drug  
\* Trafficking Crime, 18 U.S.C.  
\* § 924(c)(1)(A); Felon in Possession of  
\* Firearm and Ammunition, 18 U.S.C.  
\* § 922(g); Conspiracy to Possess a  
\* Firearm in Furtherance of a Drug  
\* Trafficking Crime, 18 U.S.C.  
\* § 924(o); Forfeiture, 18 U.S.C.  
\* § 924(d), 28 U.S.C. § 2461(c))  
\*\*\*\*\*

SUPERSEDING INDICTMENT

COUNT ONE  
(Possession with Intent to Distribute)

The Grand Jury for the District of Maryland charges that:

On or about April 3, 2018, in the District of Maryland, the defendant,

**KENNETH BLACK,**

did knowingly and intentionally possess with intent to distribute a quantity of a mixture and substance containing a detectable amount of amount marijuana, a Schedule I controlled substance.

21 U.S.C. § 841(a)(1)

**COUNT TWO**  
**(Discharging of a Firearm in Furtherance of Drug Trafficking)**

The Grand Jury for the District of Maryland further charges that:

On or about April 3, 2018, in the District of Maryland, the defendant,

**KENNETH BLACK,**

did knowingly possess and discharge a firearm in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, possession with the intent to distribute marijuana as charged in Count One of this Superseding Indictment, which is incorporated by reference herein.

18 U.S.C. § 924(c)(1)(A)

**COUNT THREE**  
**(Possession with Intent to Distribute)**

The Grand Jury for the District of Maryland charges that:

On or about April 3, 2018, in the District of Maryland, the defendant,

**DARIUS FOSTER,**

did knowingly and intentionally possess with intent to distribute a quantity of a mixture and substance containing a detectable amount of amount cocaine, a Schedule II controlled substance, and a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance.

21 U.S.C. § 841(a)(1)

**COUNT FOUR**  
**(Conspiracy to Possess a Firearm in Furtherance of Drug Trafficking)**

The Grand Jury for the District of Maryland further charges that:

From on or about April 3, 2018, to May 2, 2018, in the District of Maryland, the defendants,

**KENNETH BLACK and  
DARIUS FOSTER,**

did conspire to possess firearms in furtherance of drug trafficking crimes for which they may be prosecuted in a court of the United States, that is, possession with the intent to distribute marijuana as charged in Count One of this Superseding Indictment, and possession with the intent to distribute cocaine and heroin as charged in Count Three of this Superseding Indictment, which are incorporated by reference herein.

18 U.S.C. § 924(o)

**COUNT FIVE**  
**(Possess with Intent to Distribute)**

The Grand Jury for the District of Maryland charges that:

On or about May 2, 2018, in the District of Maryland, the defendant,

**DARIUS FOSTER,**

did knowingly and intentionally possess with intent to distribute a quantity of a mixture and substance containing a detectable amount of amount cocaine, a Schedule II controlled substance, and a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance.

21 U.S.C. § 841(a)(1)

**COUNT SIX**  
**(Possession of a Firearm in Furtherance of Drug Trafficking)**

The Grand Jury for the District of Maryland further charges that:

On or about May 2, 2018, in the District of Maryland, the defendant,

**DARIUS FOSTER,**

did knowingly possess a firearm, that is, a Taurus PT809C 9mm semi-automatic pistol with serial number TEY65522, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, possession with the intent to distribute cocaine and marijuana as charged in Count Five of this Superseding Indictment, which is incorporated by reference herein.

18 U.S.C. § 924(c)(1)(A)

**COUNT SEVEN**  
**(Felon in Possession of Firearm)**

The Grand Jury for the District of Maryland further charges that:

On or about May 2, 2018, in the District of Maryland, the defendant,

**DARIUS FOSTER,**

having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly and unlawfully possess a firearm, to wit: a Taurus PT809C 9mm semi-automatic pistol with serial number TEY65522, and 18 rounds of 9mm ammunition, in and affecting interstate commerce.

18 U.S.C. § 922(g)(1)

**FORFEITURE**

The Grand Jury for the District of Maryland further charges that:

1. Pursuant to Rule 32.2, Fed. R. Crim. P., notice is hereby given to the defendants that the United States will seek forfeiture as part of any sentence in accordance with Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c), as a result of the defendants' conviction under Counts Four, Six, and Seven of the Superseding Indictment.

2. As a result of the offense alleged in Counts Four, Six, and Seven of this Superseding Indictment, the defendants,

**KENNETH BLACK and  
DARIUS FOSTER,**

shall forfeit to the United States the firearm involved in the commission of the offense, a Taurus PT809C 9mm semi-automatic pistol with serial number TEY65522 and 18 rounds of 9mm ammunition.

18 U.S.C. § 924(d)  
28 U.S.C. § 2461(c)

*Robert K. Hur / bkm*  
Robert K. Hur  
United States Attorney

A TRUE BILL:

**SIGNATURE REDACTED**

Foreperson

*3/5/19*  
Date